



# Residential Setbacks in Central Areas

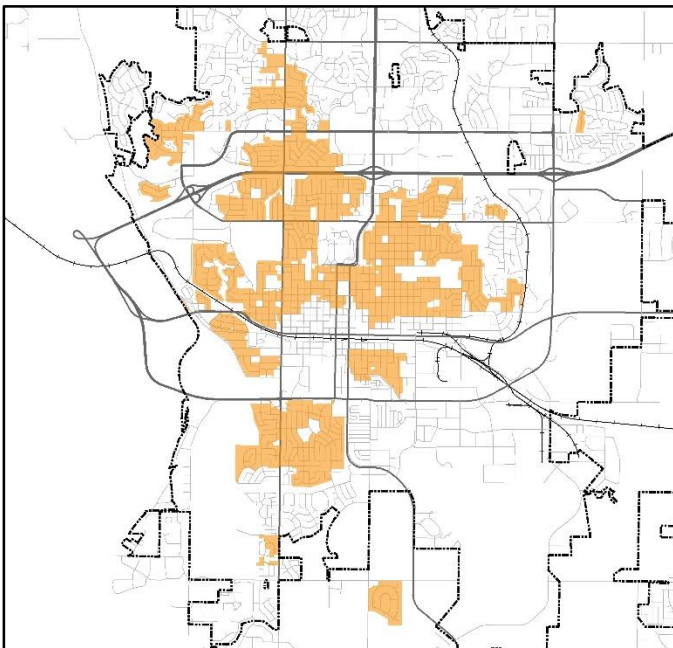
*Residential front yard setbacks in many established neighborhoods are calculated based on the setbacks of surrounding residential structures. This is known as a contextual setback. The purpose of this guide is to assist homeowners or builders who are planning new construction or additions to residences in these areas.*

*Most requirements referenced in this guide may be found in the section of Chapter 14-04 for the respective zoning district, and Sections 14-03-09 (Nonconforming Uses) or 14-03-05 (Supplementary Provisions).*

## Step 1: Determine Location

Contextual setbacks apply to all areas zoned R5 – Residential, R10 – Residential, RM – Residential or RMH – Residential that have been platted prior to 1979.

Applicable areas are shown below:



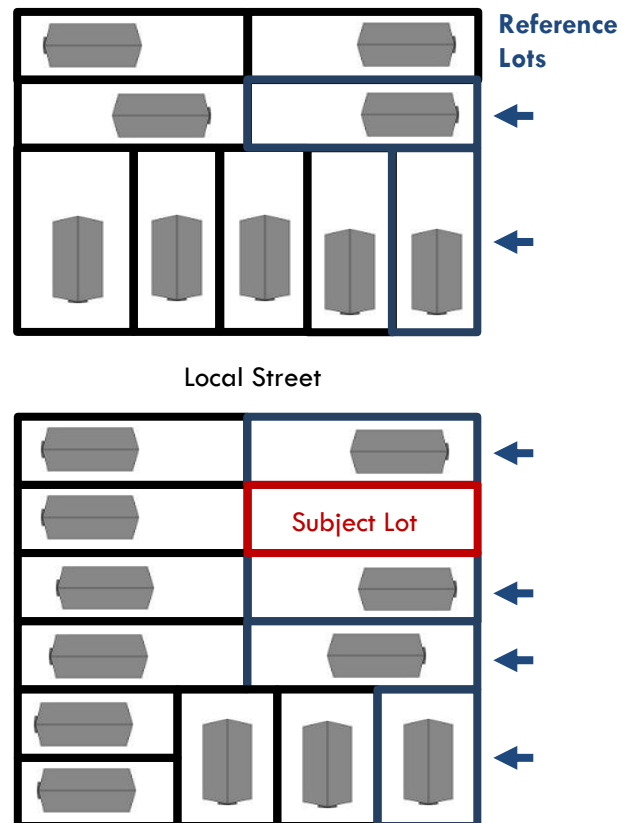
If outside of this area, skip to Step 6-8 of this guide.

## Step 2: Find Reference Lots

The required front yard for a “subject lot” will be based on six “reference lots.” These are chosen using the following rules:

1. Reference lots are the three closest lots on either side of a subject lot.
2. Reference lots are on the same side of the same street.
3. Reference lots must contain a residential structure to measure.
4. Local streets can be crossed, but not collector or arterial streets (these are major streets).
5. Reference lots must be in the same zoning district.
6. If three reference lots cannot be selected from one side, they are added to the other side (there should always be a total of six).

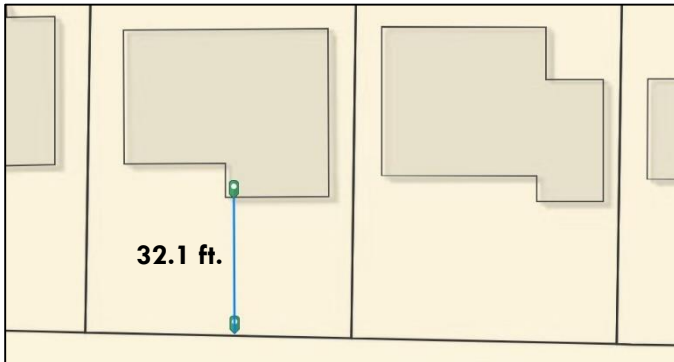
A simple example may look like the following:



On corner lots, the setback from each street is measured and applied separately. In unique situations, the zoning administrator may make a determination to find representative lots.

### Step 3: Measure Setbacks from Reference Lots

Measure the distance between the front property line and the closest point of the house on all six reference lots. Setbacks are measured to the foundation, so be sure not to count eaves or other overhangs.



An online map is available from the Map Gallery on the City website with all information needed to take these measurements with sufficient accuracy for this purpose.

### Step 4: Determine the Setback Range

The allowable front yard setback is the median of the series of six reference lot setbacks, plus or minus three feet. However, the setback may not be less than the smallest or greater than the largest in the series.

For example, the reference lot measurements are:

Lot 1	Lot 2	Lot 3	Lot 4	Lot 5	Lot 6
22.4'	19.6	22.1	20.3'	11.1'	25.0'

Place series in numerical order and find the center two:

11.1'    19.6    **20.3'**    **22.1**    22.4'    25.0'

Take the average of these two middle numbers:

$$(20.3+22.1)/2 = 21.2 \text{ Median}$$

This is the median of the series. The allowable setback is this median plus or minus three. Therefore, the residence on this subject lot may be set back anywhere between 18.2 and 24.2 feet from the front property line.

### Step 5: Standard Minimum for Garage

If the new residence or addition includes a garage, the front face of this garage must be set back at least 20 feet from the front property line, regardless of any measurements taken. This is to allow at least one parking space in front of the garage without blocking the sidewalk.

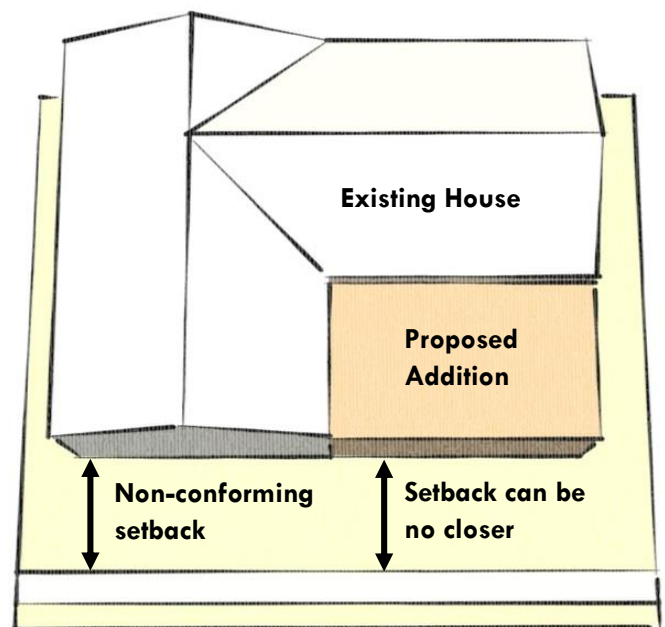
### Step 6: Standard Front Yard Setbacks

Outside of the applicable area, standard front yard setbacks are established by zoning district:

Zoning District	Front Yard
R5 – Residential	25 feet
R10 – Residential	25 feet
RMH – Residential	20 feet
RM – Residential (e.g. RM30 or RM15)	25 feet

### Step 7: Non-Conforming Exception

Any residence in the R5 or R10 zoning district that does not conform to the setback may still be eligible for an addition if that non-conforming setback is not further reduced. All other zoning requirements, such as height limits, must still be followed.



### Step 8: Steps, Terraces, Porches, and Ramps

Steps, terraces, and uncovered porches may extend into the front yard setback no more than six feet, as long as they are not higher than the first floor of the residence. Ramps needed for accessibility are exempted, as long as they encroach into the front yard as little as possible.

For additional information, contact the City of Bismarck Planning Division at 355-1840 or the Building Inspections Division at 355-1465 or visit the City-County Office Building at 221 N. 5th Street during standard office hours.